

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.
13-10164-WGY

* * * * *
UNITED STATES OF AMERICA
v.
MICHAEL BOURQUE, et al.
* * * * *

PRETRIAL CONFERENCE

BEFORE: The Honorable William G. Young,
District Judge

APPEARANCES:

MICHAEL I. YOON, Assistant United States
Attorney, 1 Courthouse Way, Suite 9200, Boston,
Massachusetts 02210, on behalf of the Government

LAW OFFICES OF WILLIAM H. CONNOLLY
(By William H. Connolly, Esq.), 20 Park Plaza,
Suite 1000, Boston, Massachusetts 02210, on behalf
of Michael Bourque

LAW OFFICE OF JOHN F. PALMER, P.C. (By John
F. Palmer, Esq.), Seven Faneuil Hall Marketplace,
North Building, 3rd Floor, Boston, Massachusetts
02109, on behalf of Brian Chisholm

DEMISSIE & CHURCH (By Christopher Jee,
Esq.), 929 Massachusetts Avenue, Suite 01,
Cambridge, Massachusetts 02139, on behalf of
Phillip Goolst

RUDOLPH FRIEDMANN, LLC (By Ashley M. Green,
Esq.), 92 State Street, 8th Floor, Boston,
Massachusetts 02109, on behalf of Thomas Ehwa

1 Courthouse Way
Boston, Massachusetts

July 18, 2013

A P P E A R A N C E S (Cont'd)

LAW OFFICE OF LESLIE FELDMAN-RUMPLER
(By Leslie Feldman-Rumpler, Esq.), 101 Tremont
Street, Suite 708, Boston, Massachusetts 02108,
on behalf of Michael Roy

BASSIL, KLOVEE & BUDREAU (By James H.
Budreau, Esq.), 20 Park Plaza, Suite 1005, Boston,
Massachusetts 02116, on behalf of Corey Assencoa

GOODWIN PROCTER, LLP (By Elizabeth Abimbola
Thomas, Esq.), Exchange Place, 53 State Street,
Boston, Massachusetts 02109, on behalf of Mark
Newton

DOMBROWSKI & AVENI (By John M. Dombrowski,
Esq.), 6 Grove Avenue, Leominster, Massachusetts
01453-3324, on behalf of Mark Ouellette

McCORMICK & MAITLAND (By Edward J.
McCormick, III, Esq.), 195 Main Street,
Suite Six - Hayward Manor, Franklin, Massachusetts
02038, on behalf of John Kinney

LAW OFFICE OF DEVIN McBRIDE (By Devin W.
McBride, Esq.), One International Place, Suite
1820, Boston, Massachusetts 02110, on behalf of
Raymond Panaggio

1 **THE CLERK:** Now hearing Criminal Matter 13-10164,
2 the United States of America v. Bourque, et al.

3 **THE COURT:** And would counsel introduce themselves,
4 starting with the government.

5 **MR. YOON:** Yes, your Honor. Michael Yoon for the
6 government.

7 **MR. PALMER:** Good afternoon, your Honor. John F.
8 Palmer for Brian Chisholm. I'm also standing in for two
9 counsel, two other counsel, Kevin Barron, who represents
10 David Akasa, and Liam Scully, who's representing Sean
11 Cotter.

12 **THE COURT:** I thank you.

13 **MR. McBRIDE:** Good afternoon, your Honor. Devin
14 McBride on behalf of Mr. Raymond Panaggio.

15 **MR. DOMBROWSKI:** Good afternoon, your Honor. John
16 Dombrowski on behalf of Mark Ouellette.

17 **THE COURT:** Second row.

18 **MS. THOMAS:** Your Honor, Abim Thomas on behalf of
19 Mark Newton.

20 **MS. GREEN:** Good afternoon, your Honor. Ashley
21 Green on behalf of Mr. Thomas Ehwa.

22 **MR. JEE:** Good afternoon, your Honor. Christopher
23 Jee. I'm standing in for two attorneys, Derege Demissie for
24 Phillip Goolst, and attorney John Swomley for Robert
25 Hagenaars.

1 **THE COURT:** Thank you. I'm just trying to find out
2 who represents who, and we have more counsel here so go
3 ahead.

4 **MR. CONNOLLY:** Good afternoon, your Honor. Bill
5 Connolly representing Michael Bourque.

6 **MR. McCORMICK:** Good afternoon, your Honor. Edward
7 McCormick representing John Kinney.

8 **MR. BUDREAU:** And, your Honor, Jim Budreau
9 representing Mr. Assencoa.

10 **THE COURT:** Thank you. I think you can be seated.
11 Yes?

12 **MR. YOON:** Your Honor, I believe that
13 Ms. Feldman-Rumpler, who represents Mr. Roy, and also
14 standing in for several other counsel, she had been here, I
15 think that she was going back and forth between here and
16 Judge Collings' session. She may have stepped out.

17 **MR. BUDREAU:** I know that she just went up there,
18 your Honor, about five minutes ago.

19 **THE COURT:** Well, that --

20 **MR. BUDREAU:** Here she is.

21 **THE COURT:** Ms. Feldman-Rumpler, you are more than
22 welcome. It's been brought to my attention that you've been
23 covering two sessions. And now that you're here, would you
24 tell me who you represent and for whom you're standing in.

25 **MS. FELDMAN-RUMPLER:** I represent Michael Roy. I

1 don't believe I'm standing in for anyone here today. I'm
2 standing in for a bunch of people in the other session.

3 **THE COURT:** I'm sorry. I didn't -- and I
4 appreciate that.

5 All right. You all know my practices. I propose
6 to agree upon a tentative trial date, exclude the time, set
7 interim dates as necessary and answer any questions that you
8 may have. I have one given the plethora of defendants. But
9 first let's see when the case might go to trial.

10 Mr. Yoon, if you've talked this over with the
11 defense, what do you propose?

12 **MR. YOON:** Your Honor, I haven't had a chance to
13 speak about a trial date but --

14 **THE COURT:** Well, that's what this is all about.
15 So when do you want to go to trial?

16 **MR. YOON:** Your Honor, we would be -- your Honor,
17 probably September or October would be fine.

18 **THE COURT:** All right. Well, maybe -- what does
19 the defense say? When do you folks think ought be a
20 reasonable time?

21 **MR. PALMER:** Your Honor, on behalf of Brian
22 Chisholm, I anticipate filing a motion to suppress in this
23 case, or at least I haven't precluded that.

24 **THE COURT:** No, I'm going to build that in. But
25 practically, you know what the discovery is in this case.

1 What do you think is a reasonable time to go to trial? And
2 I'll work back.

3 **MR. PALMER:** Okay. Well, my request would be
4 December.

5 **THE COURT:** December. Mr. Connolly, you're on your
6 feet.

7 **MR. CONNOLLY:** I was going to suggest the same
8 thing. It's a wiretap case, your Honor, and discovery is
9 extensive.

10 **THE COURT:** I understand. Does that suit?

11 **MS. FELDMAN-RUMPLER:** Yes, your Honor.

12 **THE COURT:** Thank you.

13 **MR. BUDREAU:** Your Honor, I have other cases that
14 are already slated for trial in October and in December. I
15 don't know that I'm going to trial in this case. I very
16 well may not. But that is not a good date for me. January
17 is open for me but not December.

18 **THE COURT:** I'll go January. Is that -- do I hear
19 any dissent? The clerk will announce a tentative trial date
20 in January.

21 **THE CLERK:** Monday, January 13th.

22 **THE COURT:** All right. The case is tentatively set
23 down for trial for Monday, the 13th of January, 2014. The
24 time from indictment until that day is excluded from the
25 running of the Speedy Trial Act upon motion because the

1 motion is made on motion of the defendant in order to have
2 sufficient time to prepare adequately for trial and also
3 given trial counsel, the various trial schedules.

4 Now, working back from there, we'll have a final
5 pretrial conference on Thursday, the 12th of December. Any
6 substantive motions, such as a motion to suppress, are to be
7 filed by Tuesday, the 12th of November, with responses by
8 the government by Tuesday, the 26th of November.

9 Now, I have this question for the government and
10 then I'll simply answer questions.

11 Assume trial here, you've indicted a whole lot of
12 people together, how long is this going to take to try?

13 **MR. YOON:** Your Honor, the government believes it
14 would be two weeks for trial.

15 **THE COURT:** All right. I'm not going to hold you
16 to that, but it better be within a month.

17 **MR. YOON:** Yes, your Honor.

18 **THE COURT:** It better not take longer than a month.

19 **MR. YOON:** Absolutely not, your Honor.

20 **THE COURT:** All right. Does anyone have any
21 questions? That takes care of the matters as far as the
22 Court's concerned. I hear no questions.

23 Should any of these individual cases eventuate
24 without a trial simply call Ms. Gaudet and I will set up an
25 appropriate date as soon as possible.

1 All right, thank you very much.

2 **MR. YOON:** Thank you, your Honor.

3 **DEFENSE COUNSEL:** Thank you, your Honor.

4 **THE COURT:** We'll recess.

5 **THE CLERK:** All rise.

6 (Whereupon the matter concluded.)

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8
9 **C E R T I F I C A T E**

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11
12 I, Donald E. Womack, Official Court Reporter for
13 the United States District Court for the District of
14 Massachusetts, do hereby certify that the foregoing pages
15 are a true and accurate transcription of my shorthand notes
16 taken in the aforementioned matter to the best of my skill
17 and ability.

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20
21 /S/ DONALD E. WOMACK 6-7-2014

22 -----
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